



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE

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July 11, 2011

Mr. Ronald Boles
180 Jacks Road
Elora, TN 37328

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 91 7108 2133 3938 7504 3320

RE: Notice of Violation
NPDES Permit No. TNA000182 and TNA000217
Elora, Lincoln County

Mr. Boles:

On July 6, 2011, I conducted a routine inspection of your Concentrated Animal Feeding Operation (CAFO) located on John Hunter Highway in Lincoln County. I conducted both a visual and record keeping inspection of the site to determine the facility's compliance with the CAFO permit.

No deficiencies were noted during the visual inspection of the site. Portions of the site dedicated to animal waste, mortalities, and storm water diversion appeared in compliance with the permit. During my inspection of site records, it was determined that record keeping was insufficient.

The following deficiencies were noted in record keeping:

1. A copy of the site's Nutrient Management Plan (NMP) could not be produced on site as well as a copy of the NMP's annual review.
2. No records exist that you have provided the recipient(s) of the manure, litter, or processed wastewater with the most current nutrient analysis, consistent with 40 CFR, 412.
3. No records exist that the recipient(s) of the manure, litter, or processed waste water have signed the Agreement for the Removal of Litter, Manure, and/or Process Wastewater from your animal feeding operation. You must keep a signed copy of form B found in the permit.
4. No records exist of weekly visual inspections for stormwater diversion devices, runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structures.
5. No records exist of daily visual inspections of all water lines, including drinking and cooling water.

6. No records exist of documenting current design of waste storage structures, including volume for solid accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity.
7. No records exist of deficiencies found as a result of inspections, corrections of the deficiencies, or explanation of the factors preventing immediate correction of the deficiencies.
8. A rain gauge is not kept on site.
9. No records exist of amounts of rainfall for all rainfall events.
10. No annual reports have been submitted or maintained. The annual report must include the following:
 - a) Number and types of animals on site.
 - b) Estimated amount of manure and/or litter generated by the CAFO in the previous calendar year (tons/gallons).
 - c) Estimated amount of total manure, and/or litter transferred to a third party by the CAFO in the previous calendar year (tons/gallon).
 - d) A statement indicating whether the current version of the CAFO's Nutrient Management Plan was developed or approved by a certified Nutrient Management Planner.

Due to the deficiencies in record keeping noted above, you have violated the terms and conditions of your permit and therefore have violated the *Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et. seq.), which states in part:

69-3-108. Permits. – (b) It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

(7) The construction, installation or operation of a concentrated animal feeding operation.

Permit violations on your site can be found under the requirements in the following sections of the CAFO permit:

- Section 3.1 Nutrient Management Plan (NMP) Requirements
- Section 3.2 NMP Implementation
- Section 4.2. Rainfall Monitoring
- Section 4.6 Best Management Practices
- Section 4.8. Transfer to Third Party
- Section 5.1. Inspections
- Section 5.2. Record Keeping
- Section 5.3. Annual Report

Violations of the Act may subject you to civil penalties for each day the violation occurs or continues to occur. You should begin keeping and maintaining the records listed above immediately. All records should be maintained on site for five consecutive years. During the inspection, it was noted that you were working under a permit which had expired. It is my understanding that you have applied for the new SOPC permit and that the application is in the approval process. If you have questions concerning this matter, please contact me at (931) 490-3943.

Sincerely,

A handwritten signature in cursive script, reading "Cody Chapman". The signature is fluid and written in dark ink.

Cody Chapman
Division of Water Pollution Control